

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 3, 2009

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Bilyeu, Cameron, LeFavour, McGee, and Pearce, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kaela Olsen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 2, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 3, 2009

The JUDICIARY AND RULES Committee reports that [S 1056](#), [S 1057](#), [S 1058](#), [S 1059](#), and [SCR 102](#) have been correctly printed.

DARRINGTON, Chairman

[S 1056](#) was referred to the Judiciary and Rules Committee.

[S 1057](#), [S 1058](#), and [S 1059](#) were referred to the State Affairs Committee.

[SCR 102](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Desk for one legislative day.

February 2, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [S 1015](#) with the recommendation that it do pass.

SCHROEDER, Chairman

[S 1015](#) was filed for second reading.

February 2, 2009

The JUDICIARY AND RULES Committee reports out [S 1003](#), [S 1004](#), [S 1007](#), [HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1003](#), [S 1004](#), and [S 1007](#) were filed for second reading.

[HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2009

The JUDICIARY AND RULES Committee reports out [S 1005](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1005](#) was referred to the Fourteenth Order of Business, General Calendar.

February 3, 2009

The EDUCATION Committee reports out [S 1018](#) and [S 1019](#) with the recommendation that they do pass.

GOEDDE, Chairman

[S 1018](#) and [S 1019](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 29, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Katsilometes of Meridian, Idaho, was appointed as a member of the State Athletic Commissioner to serve a term commencing January 7, 2009, and expiring January 7, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 2, 2009

Dear Mr. President:

I transmit herewith [H 13](#) and [H 15](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 13](#) and [H 15](#) were filed for first reading.

February 2, 2009

Dear Mr. President:

I return herewith [SCR 101](#), which has passed the House.

ALEXANDER, Chief Clerk

[SCR 101](#) was referred to the Judiciary and Rules Committee for enrolling.

February 3, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 6](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 6](#) and ordered it returned to the House.

Senators Bilyeu, LeFavour, and McGee were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1060 BY EDUCATION COMMITTEE AN ACT

RELATING TO PUBLIC LIBRARY DISTRICTS; REPEALING SECTION 33-2713, IDAHO CODE, RELATING TO DISSOLUTION OF LIBRARY DISTRICTS; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2713, IDAHO CODE, TO PROVIDE FOR THE DISSOLUTION OF LIBRARY DISTRICTS, TO PROVIDE FOR A PETITION AND RELATED PROVISIONS TO INITIATE CERTAIN PROCEEDINGS, TO PROVIDE THAT WHEN A DISTRICT EMBRACES MORE THAN ONE COUNTY, THE DISSOLUTION PROCESS SHALL BE CARRIED FORWARD IN EACH COUNTY, TO PROVIDE FOR FILING OF A PETITION AND TO PROVIDE FOR A HEARING, TO PROVIDE FOR NOTICE AND WRITTEN TESTIMONY, TO PROVIDE FOR A HEARING AND ACTION ON THE PETITION, TO PROVIDE FOR AN ELECTION AND TO PROVIDE FOR A DATE OF A NEW PETITION; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2713A, IDAHO CODE, TO PROVIDE FOR ELECTION NOTICE, CONDUCT OF ELECTION AND CANVASSING OF ELECTION RETURNS, TO PROVIDE THAT A LIBRARY DISTRICT MAY BE DISSOLVED NOT EARLIER THAN FOUR YEARS AFTER THE DATE OF ITS ESTABLISHMENT, TO PROVIDE FOR AN ELECTION BALLOT, TO PROVIDE THAT IF A LIBRARY DISTRICT EMBRACES TERRITORY IN MORE THAN ONE COUNTY, AN ELECTION FOR ITS DISSOLUTION SHALL BE DEEMED APPROVED ONLY IF A MAJORITY OF THE VOTES CAST IN EACH SUCH COUNTY WERE CAST IN THE AFFIRMATIVE, TO DIRECT THE BOARD OF COUNTY COMMISSIONERS TO ENTER AN ORDER, TO DIRECT THE DISPOSITION OF CERTAIN PROPERTY AND TO DIRECT THE USE AND APPORTIONMENT OF RECEIPTS FROM THE SALE OF CERTAIN ASSETS AND CERTAIN UNPAID TAXES, TO DIRECT THE PAYMENT OF CERTAIN REMAINING INDEBTEDNESS FROM CERTAIN SPECIAL LEVIES AND TO PROVIDE FOR CERTAIN TAX COLLECTION AND REMITTANCE.

[S 1060](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 13](#) and [H 15](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

Senators Cameron and Pearce were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1009](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1009](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1011](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1011](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1013](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1013](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1043](#) retained its place on the Third Reading Calendar until Monday, February 9, 2009.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:45 p.m. until the hour of 11 a.m., Wednesday, February 4, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary